



Digital Dilemmas

Using Electronic Media Wisely Under the Open Meetings Act

Jennie Hoelscher
Division Chief, Opinions
Office of the Attorney General

Views expressed are those of the presenters, do not constitute legal advice, and are not official opinions of the Office of the Texas Attorney General.



Problematic meeting spaces





Definition of a meeting

- ▶ Tex. Gov't Code § 551.001(4)
- ▶ A “meeting” is a deliberation that includes a quorum of a governmental body during which public business or public policy is discussed or considered.
- ▶ A “meeting” is also a gathering of a quorum that has been called by the governmental body at which time the members receive information about public business from, give information to, ask questions of, or receive questions from any third person, including an employee of the governmental body.



E-mail

Clark, Elizabeth (constituent)

To: Smith, June (Council Member)
Subject: Bike lane needed on 21st St.

Council Member Smith,

I have serious concerns about the lack of a bike lane on 21st Street. The speed and density of traffic on that road makes it incredibly unsafe for the many neighborhood youth that use that route to ride their bikes to and from Jordan Middle School. Please consider putting a separate bike lane in that area.

Sincerely,
Elizabeth Clark



E-mail meeting

Smith, June (Council Member)

From: Smith, June (Council Member)
To: + City Council
Subject: FW: Bike lane needed on 21st St.

All - Received the e-mail below, and I agree that this is a serious concern. Let's add this to the next agenda.

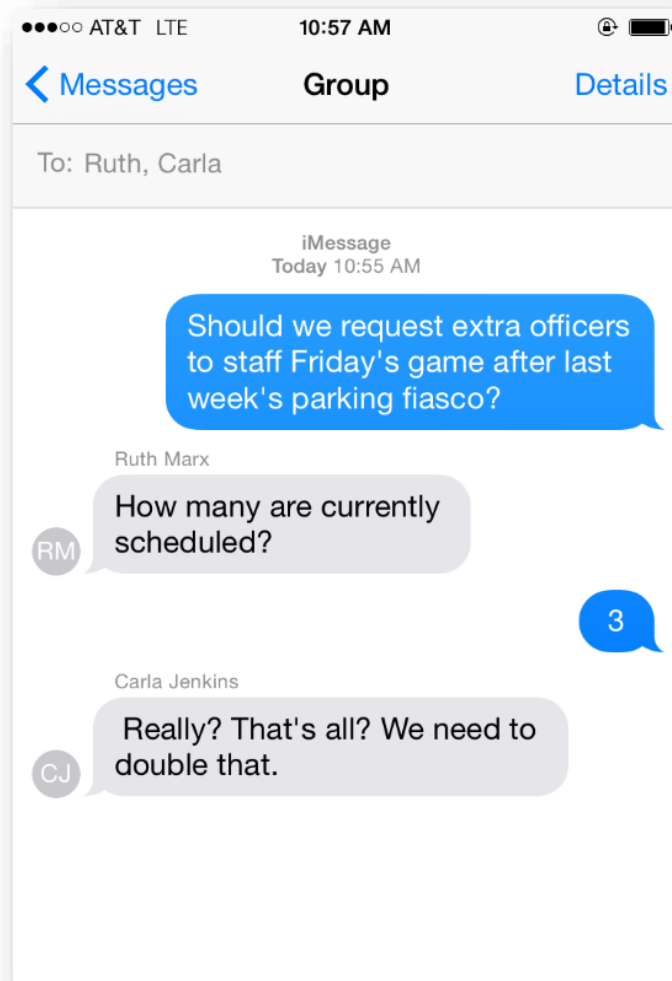
Council Member Smith,

I have serious concerns about the lack of a bike lane on 21st Street. The speed and density of traffic on that road makes it incredibly unsafe for the many neighborhood youth that use that route to ride their bikes to and from Jordan Middle School. Please consider putting a separate bike lane in that area.

Sincerely,
Elizabeth Clark



Text message meeting





Tactics to avoid e-mail or text meetings

- ▶ Consider not e-mailing or texting other members of the governmental body.
- ▶ If members do e-mail or text one another, consider requiring all such communications to pass through the city attorney or another individual responsible for ensuring no communications between a quorum occur.
- ▶ Do not “reply all” to e-mails sent to multiple members of the governmental body or respond to group texts.



Facebook





Facebook meeting



Like



Comment



Share

Be the first person to like this.



Becky Pestana Casares

Me too! We picnicked there last week. But it was HOT.

1 minute ago · Like · Reply



Charlotte Marx Harper

Would be a great place for a splash pad

1 minute ago · Like · Reply



Becky Pestana Casares

What a great idea! I wonder if there are park grants available for that?

Just now · Like · Reply



Charlotte Marx Harper

No- all this year's grants have already been allocated

Just now · Like · Reply




Strategies to avoid Facebook meetings


- ▶ Do not comment on other members' Facebook pages.
- ▶ Consider refraining from posting about public business on your page or pages of others.
- ▶ Set your Facebook page to prohibit others from posting on your page.





Utilize Facebook privacy settings

 **Select Audience**

Who can post on your timeline?

 Friends

 Only Me 



Twitter





Twitter meeting

- ▶ If other members of your governmental body retweet your post and add commentary as it relates to the public business of your governmental body, that could be a meeting under the Open Meetings Act.



Strategies to avoid Twitter meetings

- ▶ Consider not tweeting about public business.
- ▶ If you do tweet about public business, do not retweet other members' posts.



Online Message Board

- ▶ Tex. Gov't Code § 551.006
- ▶ Posts must be displayed in real time and displayed for at least 30 days after originally posted.
- ▶ The message board must be owned or controlled by the governmental body, and it must be prominently displayed on the governmental body's primary Internet web page.
- ▶ Only members of the governmental body or their authorized staff may post.
- ▶ No vote or final action may be taken on the message board.



Example of the online message board


austintexas★gov **City of Austin Council Message Board**
Only City Council members and authorized staff are allowed to post on this message board.


Board index City of Austin Council Message Board


City of Austin Council Message Board


NEWTOPIC* Search this forum... Search

TOPICS

 **District 10 Advocates for Parkland Superiority at the Grove**
by Sheri Gallo » Thu Aug 04, 2016 3:28 pm

 **Addressing Neighborhood Concerns about Grove Traffic**
by Sheri Gallo » Wed Aug 03, 2016 5:42 pm

 **DRAFT ballot language for \$720M Mobility Bond**
by Don Zimmerman » Tue Aug 02, 2016 10:38 am

 **Cactus Rose**
by Sabino Pio Renteria » Fri Jul 29, 2016 6:04 pm



Open Government Hotline

Toll Free
(877) OPEN TEX
(877) 673-6839

www.texasattorneygeneral.gov